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November 29, 2004

The Honorable George W. Bush
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C.

Dear Mr. President:

I am writing to further express my concerns over the Administration's involvement in the practice of "extraordinary rendition" of captives or suspects in the war on terror to countries where they are likely to face torture, and to request information pertaining to the expenditure of taxpayer dollars for this purpose.

As you may recall, I wrote you on October 4, 2004 to request your formal comment on pending legislative proposals which would legitimize the practice of extraordinary rendition. In addition, I previously have written to the Attorney General, the Secretary of State, and the Director of the Central Intelligence Agency to raise concerns that U.S. involvement in the transfer of persons to countries that are likely to torture them may violate the obligations that the U.S. assumed when it signed and ratified the Convention Against Torture. Article 3 of the Convention explicitly states:

No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

To date, I have not received satisfactory responses to any of these inquiries. On September 23, 2004, the CIA noted only that "Your concerns about renditions and the questions about them raised in your letter are matters that are subject...to the applicable laws and conventions of the United States. I can assure you that it remains the policy and practice of this Agency to be fully and promptly compliant with these authorities as they apply to the matter of renditions."

I am writing you at this time because of recent press reports suggesting that a company with links to Massachusetts is being used to transport persons to countries that practice torture, and that this company may be doing so pursuant to a contract with an agency of the United States government.¹ According to these press reports, aircraft owned by

¹ Stephen Grey, "US Accused of 'Torture Flights,'" The Sunday Times, November 14, 2004 (http://www.timesonline.co.uk/article/0,,2089-1357699_1,00.html) ; Farah Stockman, "Terror Suspects"

Premier Executive Transport Services, a shadowy private company with an address in Massachusetts, has been used on numerous occasions to fly terrorist suspects to countries where they are likely to face torture. Two planes have been identified in these press reports as having been used for these flights, a Boeing 737 with the registration number N313P, which has 32 seats, and a Gulfstream 5 jet, with the registration number N379P, which can carry 14 passengers.

An analysis by the Sunday Times of London of flight logs obtained from the Gulfstream jet reportedly show that the plane has logged in more than 300 flights over the last two years, traveling to 49 destinations outside of the United States, including the Guantanamo Bay prison camp in Cuba and other U.S. military bases, as well as Egypt, Jordan, Iran, Morocco, Afghanistan, Libya, and Uzbekistan. The Times article reports that “suspects are frequently bound, gagged, and sedated before being put on board the planes” and reports on instances in which these plans were used to transport prisoners from Sweden to Egypt, from Pakistan to Jordan, from Indonesia to Egypt, from Gambia to Guantanamo, and from Afghanistan to Uzbekistan. The Boston Globe reports that the company’s Gulfstream jet has been sighted at refueling stops in Ireland and Pakistan, and that it has a permit to land at U.S. military bases worldwide.

The Boston Globe further reports that the Dedham, Massachusetts legal address for Premier Executive Transport Services is actually the address of a law firm, and that little is known about the identities of the companies’ officers or its ownership. The Globe reports that FAA records list the current Vice President of the company as Colleen A. Bornt, while Massachusetts corporate records list the company’s President as Bryan P. Dyess, and its Treasurer as Mary Anne Phister. The Globe was able to locate post office box mailing addresses for these individuals, each of which was in the Washington, D.C. area.

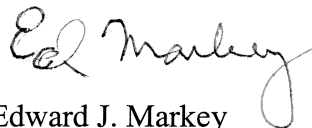
I am very concerned about the possibility that agencies of the U.S. government may be involved in the rendition of persons to countries where they are likely to face torture, and the expenditure of U.S. taxpayer dollars for purposes which appear to be inconsistent with the Convention Against Torture. I therefore respectfully request that you find out whether these reports are true, and if so, bring an end to them immediately. In addition, I respectfully request an accounting of what funds have been paid to Premier Executive Transport Services. Specifically, I request your assistance in responding to the following questions:

1. In the last four years, which government agency or agencies has entered into a contract with Premier Executive Transport Services?
2. Please provide a copy of any contract or contracts between the federal government and this company.

3. Please indicate how much has Premier Executive Transport Services received pursuant to such contract or contracts?
4. Who owns or controls Premier Executive Transport Services?
5. Who are the company's principal executives?
6. Is this company owned or controlled, in whole or part, by any agency or instrumentality of the federal government? If so, by whom?
7. Have aircraft provided by Premier Executive Transport Services been used to transport captives, prisoners, or suspects in the war on terrorism? If so, which persons have been transported using this company's aircraft and to what countries?
8. Did you approve such transfers? If not, who did and under what legal authority?
9. What policies, procedures, or other controls have been used to ensure that such transfers do not violate U.S. commitments under the Convention Against Torture?
10. Has the U.S. ever received information regarding the results of any interrogation of a prisoner that was transferred to another country using Premier Executive Transport Services?
11. Has the U.S. ever suggested questions that interrogators should ask a prisoner rendered using Premier Executive Transport Services, or areas that they should explore in their interrogations?
12. If the U.S. rendered a person to a country in reliance upon assurances provided by the government of that country that the person being rendered would not be harmed, has any effort been undertaken to find out whether or not such assurances subsequently were complied with in any interrogation of the person? If so, what were the findings?
13. Have any persons transferred onboard aircraft provided by Premier Executive Transport Services subsequently faced torture in the countries to which they were transported?

Thank you for your assistance and cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Markey", with a stylized flourish at the end.

Edward J. Markey
Member of Congress